

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1, 5, 8 and 9 are pending in this application. In the Office Action, the Examiner rejected claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Newton, (U.S. Patent No. 2,332,488) in view of Kawasaki et al. (U.S. Patent No. 5,433,724). Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Eaton (U.S. Patent No. 5,413,582) in view of McEwen (U.S. Patent No. 4,770,175). Claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Newton (U.S. Patent No. 2,332,488) and Kawasaki et al. (U.S. Patent No. 5,433,724) as applied to claim 1 above, and further in view of Nagelman (U.S. Patent No. 1,288,130). Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Eaton (U.S. Patent No. 5,413,582) and McEwen (U.S. Patent No. 4,770,175) as applied to claim 5 above, and further in view of Nagelman (U.S. Patent No. 1,288,130). These rejections are respectfully traversed. Reconsideration of the pending claims in view of the remarks presented herein is respectfully requested.

Claims 1 and 5 have been amended to correct a grammatical error. No substantive changes have been made to the claims.

Claim Rejections Under § 103

Claims 1 and 8

Claim 1 was rejected over Newton in view of Kawasaki and claim 8 was rejected over Newton, Kawasaki and Nagelman. For the reasons cited below, these rejections are respectfully traversed.

Claim 1 is not rendered obvious by the combination of Newton and Kawasaki because even in combination Newton and Kawasaki do not disclose each of the limitations of claim 1. Although the Examiner contends that it would have been obvious for one of ordinary skill in the art to attach the metal rods in Newton with tape rather than with stitching, that contention necessarily rests upon the assumption that one of skill in the art would find it useful to attach Kawasaki's reinforcement sheet to Newton's blood pressure cuff. The wire-like pieces in Newton are sown in (Newton, col. 1, lines 45-50) and Newton does not use or need a reinforcement sheet as in Kawasaki. Because Newton's blood pressure cuff already comprises the sown-in wire-like pieces (Newton, col. 1, line 51 to col. 2, line 5), one of skill in the art would have no motivation to further attach a reinforcement sheet to the cuff. Only impermissible hindsight would motivate one of skill in the art to arrive at the invention recited in claim 1 based upon the disclosures in Newton and Kawasaki. Accordingly, claim 1 is patentable over the combination of Newton and Kawasaki.

Claim 8 is dependent upon claim 1, and is therefore patentable for the reasons provided above with respect to claim 1.

Claims 5 and 9

Claims 5 and 9 were rejected over the combination of Eaton and McEwen. In particular, McEwen was cited as disclosing a stiffening strip. However, McEwen's stiffening strip 24 is explicitly described as being "inextensible" (McEwen, col. 9, lines 49-54), whereas the seam tape of the present invention as recited in claim 5 is explicitly recited as being stretchable: "comprising a seam tape, which is stretchable but of which stretching rate is lower than that of the tube[.]" Thus McEwen, by emphasizing the non-stretchable aspect of his invention, actually teaches away from the invention recited in claim 5. Moreover, McEwen's non-stretchable tape would "bite" into the user's muscles when the muscles bulge out during exercising, thus cutting off the blood flow rather than restricting the blood flow, and causing additional pain to the user. Accordingly, the combination of Eaton and McEwen does not disclose or suggest the invention recited in claim 5.

Claim 9 is dependent upon claim 5, and is therefore patentable for the reasons provided above with respect to claim 5.

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is

Serial No.: 10/552,991
Art Unit: 3734

Attorney's Docket No.: SUZ0022-US
Page 9

desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.


PAUL, HASTINGS, JANOFSKY & WALKER LLP
875 15th Street, N.W.
Washington, D.C. 20005
Tel: 202-551-1700

Respectfully submitted

YOSHIAKI SATO

Date: November 23, 2009

By:


Aslan Baghdadi
Registration No. 34,542

AB/hjm

Customer No. 36183